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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 William Mark Isbell,)
9 Plaintiff,)
10 v.) CIV 04-2242 PHX JAT (VAM)
11 Justin Hughes, et al.,) O R D E R
12 Defendants.)

13 Plaintiff has filed a Motion for Partial Summary Judgment
14 (Doc. 39), Motion for Temporary Restraining Order (Doc. 70) and
15 Motion for Preliminary Injunction (Doc. 70). Defendants have
16 filed a Cross Motion for Summary Judgment (Doc. 83). Now pending
17 before the Magistrate Judge are several motions.

18 On March 10, 2006, plaintiff filed a Motion to Modify the
19 scheduling order and extend the time to complete discovery. (Doc.
20 76). In this Motion, plaintiff states he has completed discovery
21 except he wishes to request from the El Mirage Police Department
22 and its staff a 2005 audit report of which he recently became
23 aware. The Motion gives no detail on the "audit report." It
24 makes no showing of relevance to this lawsuit. In fact, a 2005
25 audit report in and of itself does not appear to be relevant in
26 any way to this lawsuit. Plaintiff has failed to meet his burden
27 of showing there is a need to re-open discovery. The Motion will
28 be denied.

1 if there is no real dispute about any fact that would affect the
2 result of your case, the party who asked for summary judgment is
3 entitled to judgment as a matter of law, which will end your case.
4 When a party you are suing makes a motion for summary judgment
5 that is properly supported by declarations (or other sworn
6 testimony), you cannot simply rely on what your complaint says.
7 Instead, you must set out specific facts in declarations,
8 depositions, answers to interrogatories, or authenticated
9 documents, as provided in Rule 56(e), that contradict the facts
10 shown in the defendants' declarations and documents and show that
11 there is a genuine issue of material fact for trial. If you do
12 not submit your own evidence in opposition, summary judgment, if
13 appropriate, may be entered against you. If summary judgment is
14 granted, your case will be dismissed and there will be no trial.

15 LRCiv 56.1 of the Rules of Practice of the United States
16 District Court for the District of Arizona also requires, in
17 addition, that you include as a part of your opposition to a
18 Motion for Summary Judgment a separate statement of facts in
19 opposition to the Motion for Summary Judgment.

20 (a) Any party filing a motion for summary judgment
21 shall set forth separately from the memorandum of law,
22 and in full, the specific facts on which that party
23 relies in support of the motion. The specific facts
24 shall be set forth in serial fashion and not in
25 narrative form. As to each fact, the statement shall
26 refer to a specific portion of the record where the fact
27 may be found (i.e., affidavit, deposition, etc.). Any
28 party opposing a motion for summary judgment must comply
with the foregoing in setting forth the specific facts,
which the opposing party asserts, including those facts
which establish a genuine issue of material fact
precluding summary judgment in favor of the moving
party. In the alternative, the movant and the party
opposing the motion shall jointly file a stipulation

1 signed by the parties setting forth a statement of the
2 stipulated facts if the parties agree there is no
3 genuine issue of any material fact. As to any
4 stipulated facts, the parties so stipulating may state
5 that their stipulations are entered into only for the
6 purposes of the motion for summary judgment and are not
7 intended to be otherwise binding.

8 Additional provisions of LRCiv 7.2, Rules of Practice of the
9 United States District Court for the District of Arizona are as
10 follows:

11 Subparagraph (e) of that Rule provides:

12 Unless otherwise permitted by the Court, a motion
13 including its supporting memorandum, and the response
14 including its supporting memorandum, each shall not
15 exceed seventeen (17) pages, exclusive of attachments
16 and any required statement of facts. Unless otherwise
17 permitted by the Court, a reply including its supporting
18 memorandum shall not exceed eleven (11) pages, exclusive
19 of attachments.

20 Subparagraph (i) of LRCiv 7.2 provides:

21 If a motion does not conform in all substantial respects
22 with the requirements of this Local Rule, or if the
23 opposing party does not serve and file the required
24 answering memoranda, or if counsel for any party fails
25 to appear at the time and place assigned for oral
26 argument, such non-compliance may be deemed a consent to
27 the denial or granting of the motion and the Court may
28 dispose of the motion summarily.

**It is plaintiff's obligation to timely respond to all
motions. The failure of plaintiff to respond to defendants' Cross
Motion for Summary Judgment may in the discretion of the Court be
deemed a consent to the granting of that Motion without further
notice, and judgment may be entered dismissing the complaint and
action with prejudice pursuant to LRCiv 7.2(i). See Brydges v.
Lewis, 18 F.3d 651 (9th Cir. 1994) (per curiam).**

IT IS THEREFORE ORDERED denying plaintiff's Motion to modify
the scheduling order and extend the time to complete discovery.

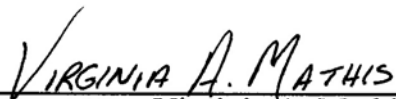
1 (Doc. 76) .

2 **IT IS FURTHER ORDERED** denying as moot defendants' Motion to
3 order plaintiff to pay the costs of his deposition transcript or
4 return the transcript. (Doc. 80) .

5 **IT IS FURTHER ORDERED** denying as moot plaintiff's Motion to
6 Strike the Motion set forth in Document 80. (Doc. 81) .

7 **IT IS FURTHER ORDERED** denying plaintiff's Motion to Strike
8 defendants' Cross Motion for Summary Judgment (Doc. 87) and
9 granting plaintiff's Motion for an extension of time to file a
10 response to the Cross Motion for Summary Judgment. (Doc. 87) .
11 Plaintiff shall file his response no later than May 19, 2006.
12 There will be no further extensions.

13 DATED this 25th day of April, 2006.

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17 Virginia A. Mathis
18 United States Magistrate Judge
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